



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

MARTINGALE INVESTMENTS, LLC,) No. CV 13-06924-UA
)
Plaintiff,) ORDER SUMMARILY REMANDING
) IMPROPERLY-REMOVED ACTION
v.)
ABDOLAHAD PAK,)
Defendant.)
-----)

The Court will remand this "Complaint for Unlawful Detainer - Demand Does Not Exceed \$10,000," Case No. 13H00413, to state court summarily because Defendant removed it improperly.

On September 19, 2013, Defendant Thomas Keen, who is not a named Defendant in the Complaint for Unlawful Detainer in California state court, lodged a "Notice Of Removal" of that action to this Court and also presented an application to proceed in forma pauperis. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

Simply stated, Plaintiff could not have brought this action in

1 federal court in the first place, in that Defendant does not
2 competently allege facts supplying either diversity or federal-
3 question jurisdiction, and therefore removal is improper. 28 U.S.C.
4 § 1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S.
5 546, 563, 125 S.Ct. 2611 (2005). Even if complete diversity of
6 citizenship exists, the amount in controversy does not exceed the
7 diversity-jurisdiction threshold of \$75,000. See 28 U.S.C.
8 §§ 1332, 1441(b). On the contrary, the unlawful-detainer complaint
9 recites that the amount in controversy does not exceed \$10,000.

10 Nor does Plaintiff's unlawful detainer action raise any federal
11 legal question. See 28 U.S.C. §§ 1331, 1441(b).

12 Accordingly, **IT IS ORDERED** that (1) this matter be **REMANDED** to
13 the Superior Court of California, Los Angeles County, North Valley
14 Courthouse, 9425 Penfield Avenue, Chatsworth, California 91311 for
15 lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c);
16 (2) that the Clerk send a certified copy of this Order to the state
17 court; and (3) that the Clerk serve copies of this Order on the
18 parties.

19 **IT IS SO ORDERED.**

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21 DATED: 9/26/13

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23 HONORABLE GEORGE H. KING
24 CHIEF UNITED STATES DISTRICT JUDGE
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